

## ARTICLE 2 DEFINITIONS

### SECTION 2.1 RULES APPLYING TO THE TEXT

For the purposes of this Ordinance, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense, and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation or firm as well as an individual. Masculine/feminine pronouns such as "he" or "his" and "she" or "hers" are intended to be gender neutral/inclusive. Amended BTPC9-21-94
3. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
4. The word "used" or "occupied" as applied to any land or structure shall be construed to include the words "intended, arranged, or designed to be used or occupied."
5. Any word or term not interpreted or defined by this Article shall be used with a meaning in common or standard usage.

### SECTION 2.2 DEFINITIONS

(Annotation: Section 2.2 amended by Amendment 14-004, effective March 6, 2015 which deleted 37 words that do not appear in the Zoning Ordinance text)

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

ACCESSORY APARTMENT: See DWELLING UNIT, ACCESSORY APARTMENT.

ACCESSORY BUILDING: See BUILDING, ACCESSORY.

ACCESSORY STRUCTURE: See STRUCTURE, ACCESSORY.

ACCESSORY USE: See USE, ACCESSORY.

ADULT FOSTER CARE: The care of adults who do not require nursing care, but who are unable to live independently because they are developmentally disabled, emotionally impaired, physically handicapped, or old.

AFC FAMILY CARE HOME: A private home or facility licensed by the State Department of Social Services, where no more than six (6) adults are receiving foster care.

AFC SMALL GROUP HOME: A facility licensed by the State Department of Social Services, where from seven (7) to (12) adults are receiving foster care.

AGRICULTURAL DISTRICT MARKET ( OR EXPANDED FARM MARKET): A permanent, enclosed building or portion thereof used for the purpose of selling seasonal farm products, which sells products or services that exceed the definition of a Farm Market under the Michigan Right-To-Farm Act. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

AGRICULTURAL SUPPORT BUSINESS (ASB): A Business that provides goods and/or services primarily to the local agricultural community, not just the farm on which it operates. (Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

AGRICULTURAL SUPPORT INDUSTRY (A.S.I.):  
(Annotation: Definition ~~Deleted~~ by Amendment 2008-002, effective 11-07-08)

AGRICULTURE: See FARM.

APARTMENT: See DWELLING UNIT.

APPLICANT: A person, firm, association, partnership, corporation, or combination of any of them which may be seeking approval from Bingham Township pursuant to the requirements of this Ordinance. Added by amendment BTPC12-7-94

BED AND BREAKFAST: A single family dwelling with bedroom(s) available for guest use for compensation and by prearrangement, having no external evidence that rooms are available. Compare TOURIST HOME.

BED AND BREAKFAST INN: An owner occupied private home with four or more bedrooms available for guest use for compensation and by prearrangement.

BLUFF: A cliff or hill with a slope in excess of thirty (30) percent, which terminates in Lake Michigan, Grand Traverse Bay, or any inland lake, or their beaches.

BOAT HOUSE: Any permanent structure erected on the shore of a lake or watercourse, used for the noncommercial storage of boat(s) and related equipment and supplies.

BUFFER: A strip of land, including plantings and/or structures which may be required to protect one type of land use from another, or to minimize or eliminate conflicts between them. Compare GREENBELT and SCREEN.

BUILD: See ERECT.

BUILDING: Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall

include tents, awnings, and mobile homes whether or not mounted on wheels.

BUILDING, ACCESSORY: A subordinate building, *not to be confused with an accessory apartment*, which may or may not be attached to a principal building, occupied by or devoted exclusively to a use which is accessory and clearly incidental to the principal permitted use.

BUILDING, NONCONFORMING: See NONCONFORMING BUILDING OR STRUCTURE.

BUILDING HEIGHT: The vertical distance measured from the average of the highest and lowest finished grade surrounding the structure to the highest point of the roof.

(Definition amended by Amendment 06-004 effective date August 2006)

BUILDING, PRINCIPAL: A building or group of buildings in which is conducted the main or principal use or activity permitted on the lot where the building is located.

CHICKEN: domestic fowl (*Gallus gallus domesticus*) kept for its eggs or meat.

(Annotation: Definition added by Amendment 15-001 effective May 8, 2015)

CHILD CARE: (Annotation: Definitions amended by Amendment 13-005, effective April 4, 2014)

FAMILY CHILD CARE HOME: A private home registered with the State Department of Social Services, where one (1) to six (6) children are received for care and supervision for periods less than twenty-four (24) hours.

GROUP CHILD CARE HOME: A private home, licensed by the Department of Social Services, where from seven (7) to twelve (12) children are received for care and supervision for periods of less than twenty-four (24) hours.

DAY CARE CENTER: A facility other than a private home, licensed by the Department of Social Services, where one or more children are received for care and supervision for periods less than twenty-four (24) hours. This includes preschools.

CIDERY: See WINERY (Annotation: Definition added by Amendment 14-001 effective June 6, 2014)

CLERK - The clerk of Bingham Township. Added by amendment BTPC4-19-95

CLUSTERED HOUSING: Clustered housing is an innovative land use device for grouping or "clustering" buildings in order to achieve densities on some portions of the development area while leaving the remaining land open for recreational or other purposes.

COMMERCIAL FARM: A Farm which has produced agricultural or horticultural products worth \$2,500.00 or more annually for at least three of the past five years.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

COMMERCIAL STORAGE: A space, or a place, for the safekeeping of goods for profit.

COMMUNITY SUPPORTED AGRICULTURE (CSA): A small-scale farm and/or garden that sell their products to buyers that have purchased a “subscription” to the farm. A CSA’s focus is usually on a system of weekly delivery or pick-up of vegetables and other farm products. It is a partnership between a local farmer and nearby consumers who become members or subscribers in support of the farm. In exchange for paying in advance (at the beginning of the growing season,) the CSA member receives fresh produce throughout the season.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

CONDOMINIUM: A form of ownership where the "homeowner" shares ownership in property, whose maintenance is a group responsibility, and where the individual enjoys the use of the space within the dwelling, under the Condominium Act, Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM LOT(S): In the case of a site condominium, the lot shall be the condominium unit, which consists of the building envelope plus the limited common area surrounding the unit.

Added by amendment BTPC4-19-95

CONDOMINIUM, SITE: A site condo is a condominium where there is shared responsibility for common areas, but where the individual not only enjoys the use of his dwelling, but is responsible for maintaining it and the yard assigned to him, under Michigan Public Act 59 of 1978 as amended. See LOT.

CONDOMINIUM UNIT - That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use. Added by amendment BTPC4-19-95

DAY CARE: See CHILD CARE.

DENSITY: The number of dwelling units existing or to be developed per acre of land.

DISTILLERY: An establishment licensed by the State of Michigan as a Small Distiller.

(Annotation: Definition added by Amendment 14-001 effective June 6, 2014)

DISTRICT: An area for which there are uniform zoning regulations governing the use of buildings and premises, the size and height of buildings, the size of yards, and the density of development.

DRAINAGE: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary to preserve the water supply or to prevent or alleviate flooding.

DRIVEWAY: A private access providing vehicular passage, on a lot or condominium unit, to a public or private road. Amended BTPC12-7-94

DUPLEX: A building or part thereof containing two (2) dwelling units.

DWELLING: Any building or part thereof serving people as a home, residence, or sleeping place

DWELLING, MULTIPLE FAMILY: A building or part thereof containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A detached building containing one dwelling unit.

DWELLING, SINGLE FAMILY ATTACHED: A dwelling unit which is part of a building containing two or more dwelling units with common walls on property lines so that only one (1) dwelling unit is located on each lot.

DWELLING UNIT: A dwelling forming a single habitable unit for one (1) family.

DWELLING UNIT, ACCESSORY APARTMENT: See section 3.7 Accessory Apartments.

ERECT: Build, construct, reconstruct, or move upon or perform any physical operations on the land required for building. Excavations, fill, drainage, and the like shall be considered a part of erecting.

EXCAVATION: Excavation consists of digging or scraping a hole in the ground, where the hole is the desired result.

FAMILY: One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit. A domestic employee residing in the dwelling unit shall be considered part of the family.  
(Definition amended by Amendment 05-002 effective on

FARM: Any parcel of land which is used for general agricultural purposes, such as the growing of forests, orchards and field crops, or the raising of animals. This includes the necessary farm structures, and the storage of equipment used in the operation of the farm.

FARM BUILDINGS: A structure normally and reasonably used in the act of farming by the Owner or Lessee of the property. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

FARM MARKET: A building or place where agricultural products produced by the operator are sold and which qualifies as a Farm Market under the jurisdiction of Michigan Right-To-Farm Act.

(Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

FENCE: A structure or barrier enclosing a field, yard, or other space, or separating it from an adjoining area; especially a structure of rails, pickets, or wooden or metal openwork. Compare SCREEN.

FLOOD PLAIN: Land adjoining or connected to a water body or watercourse which has a once in one hundred years chance of being inundated, as determined by the U.S. Army Corps of Engineers or other applicable Federal Agency. Compare WETLANDS.

FLOOR AREA: The sum of the horizontal areas of the several floors of a building, measured from the interior face of the exterior walls.

FLOOR AREA, USABLE: Usable floor area shall be calculated by taking the floor area minus hallways and entrance halls which are not used for the display or storage of merchandise, and minus mechanical areas involved solely with building and grounds maintenance.

FOOD PROCESSING: A procedure which processes, packages, grades, sorts, or changes the form of fruit or other farm products.

FOOD PROCESSING PLANT: An establishment which processes, packages, grades, sorts, or changes the form of fruit, vegetables, or other farm products.

FRUIT AND VEGETABLE RECEIVING STATION: A business which receives raw fruit and/or vegetables from area farms for shipment to market, and may include the process of brining.  
(Annotation: Definition amended by amendment 2008-001 effective on 11-07-08)

GOLF COURSE: An area of land laid out for the game of golf with a series of nine (9) or eighteen (18) holes including tees, greens, fairways, and often one or more natural or artificial hazards, practice driving ranges, and a clubhouse. This definition does not include mini-golf or similar amusement park types of games.

GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, between the building and a line five feet from the building.

GREENBELT: A landscaped area, using grasses, trees and/or shrubs, with or without berms, to achieve the goals of this Ordinance. It is not intended to screen, and there is no minimum height requirement. Compare BUFFER and SCREEN.

GREENHOUSE: A structure, all or some of whose roof and side walls are of glass or similar material, which is used for the cultivation of plants and flowers. Compare CONSERVATORY.

GROUP DAY CARE HOME: See CHILD CARE.

GUEST HOUSE: An accessory building located on the same lot as the principal dwelling, used for housing guests.

HARDSHIP: Unnecessary and illogical deprivation of an individual's property rights which are enjoyed by others in the same zoning district.

HEIGHT: See BUILDING HEIGHT.

HOME BUSINESS: An occupation carried on at home, which is subordinate and incidental to the residential use, but which is more intense than a home occupation as defined in this Ordinance, and which has the potential of having an adverse impact on the residential character of the neighborhood.

HOME OCCUPATION: An accessory use of a dwelling involving the manufacture, provision, or sale of goods and/or services, which is clearly subordinate and incidental to its use as a residence.

HOTEL: A building in which lodging is offered to the public for compensation, and in which access to the rooms is arranged in an inside lobby or office, with someone usually on duty at all times. Compare MOTEL.

INSTITUTION: A building occupied by a municipal or nonprofit corporation or establishment.

LAND: The surface area known as real estate. Added by amendment BTPC12-7-94

LAND DIVISION: See Bingham Township Land Division Ordinance.  
(Annotation: Added by Ordinance No. 01-121911, effective January 6, 2012)

LIMITED FOOD PROCESSING KITCHEN: A small licensed kitchen area on a farm that is used for processing food such as berries for jam, cucumbers and other vegetables for pickling, and other food items for off premise consumption.  
(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

LIVESTOCK: Beef & Dairy Cattle, Bison, Swine, Equine, Cervidae, Sheep, Goats, and Camelids. (Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

LOT, PARCEL OR TRACT: Contiguous areas of land unbroken by a public road, under the ownership of the same person(s), on which a principal building or structure and or use, and/or accessory structures or uses may be located. Lot may also refer to land which is described and fixed in a recorded plat or site condominium. See "CONDOMINIUM LOT"  
Amended BTPC12-7-94, Amended BTPC4-19-95

LOT AREA: The total horizontal area within the lot lines of a lot *exclusive of dedicated or private road right-of-ways*. Amended BTPC 11-8-02.

LOT, CORNER: A lot abutting on two public roads at their juncture, when the interior angle is less than one hundred and thirty-five (135) degrees.

LOT COVERAGE: That percentage of the lot area covered by all buildings and structures located on the lot.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINES: The perimeter boundary lines of a lot.

LOT LINE, FRONT: That line separating said lot from the road right-of-way. In the case of a through lot, it is that line separating said lot from either road right-of-way. Where a corner lot abuts two public roads, front setbacks shall be required from the rights-of-way of both roads. Where a lot is bisected by a private road, front setbacks shall be required from that road. Side setbacks shall be required from the remaining lot lines.

LOT LINE, REAR: That lot line or shoreline opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line other than the front lot line or the rear lot line.

LOT, WIDTH: The straight line horizontal distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines.

LOT LINE, ZERO: See ZERO LOT LINE.

LOT OF RECORD: A lot which is part of a subdivision or preliminary plat approved by the Township Board prior to the date of this Ordinance. Also a lot described by metes and bounds, the deed or other conveyance to which has been recorded with the Register of Deeds in Leelanau County prior to the effective date of this Ordinance.

MANUFACTURED OR MOBILE HOME: A moveable dwelling which is constructed to be towed on its own chassis, is capable of being connected to public utilities, and is designed for year-round living as a single family dwelling unit without the necessity of a permanent foundation. The term "mobile home" shall not include pick-up campers, travel trailers, motor homes, converted buses, tent trailers, or other transportable structures designed for temporary use.

MASTER DEED - The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project. Added by amendment BTPC4-19-95

MICROBREWERY: An establishment licensed by the State of Michigan as a Microbrewery.

MOBILE HOME PARK: A lot, parcel or tract of land used as the site for occupied mobile homes, including any buildings, structures, enclosures or facilities used by park residents, and licensed under Michigan Public Act 243 of 1959, as amended.

MOTEL: A building or group of buildings with sleeping accommodations available for temporary occupancy for compensation, primarily by automobile transients. Compare HOTEL.

NONCONFORMING BUILDING or STRUCTURE: A building or structure or portion thereof lawfully existing at the time of adoption of this Ordinance or of any amendments, that does not conform to the dimensional requirements of the Ordinance in the zoning district in which it is located.

NONCONFORMING USE: A use of a building or structure or of land, lawfully existing at the time of adoption of this Ordinance or of any amendments, that does not conform to the regulations of the Ordinance in the zoning district in which it is located.

NURSERY: An area where trees, shrubs, flowering plants etc. are raised for sale or transplanting.

NURSING HOME: A building other than a hospital, where the primary function is to provide nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

OPEN SPACE: Any parcel or area of essentially unimproved land which is set aside and dedicated either to public or to common private use, and which must remain essentially unimproved. See Section 15.4.1.A and 15.4.1.B.

PARCEL: Amended BTPC12-7-94 See LOT, PARCEL OR TRACT

PARK: Any noncommercial recreational area.

PARKING AREA: An area to be used for parking vehicles.

PARKING LOT: A lot whose principal use is the parking of motor vehicles, where parking space is rented to the general public or reserved for individuals by the hour, or for some more extended period of time.

PARKING SPACE: A surfaced area for the parking of a motor vehicle, and so located as to be readily accessible to a road. See Section 11.2.9 Minimum Design Standards.

PLOT PLAN: A drawing showing all the salient features of a proposed project or development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. Compare SITE PLAN.

**PROFIT:** is the making of financial gain in a business activity for the benefit of the owners of the business. (Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**PUBLIC UTILITY:** Any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public, under federal, state, or municipal regulations: gas, steam, electricity, sewage disposal, water, communication, telephone, telegraph, or transportation.

**QUASI-PUBLIC** - a private non-profit or utility use in ownership and funding, which service use is more or less public in nature, such as but not limited to: nature conservancies, utility companies, historic/museum societies, etc. Added by amendment BTPC6-19-96

**RECREATION FACILITIES, INDOOR:** Uses, such as but not limited to, bowling alleys, health spas, tennis clubs, squash courts, ice- and roller-skating rinks, electronic game arcades and other privately owned establishments offering recreational opportunities to the community. Added by amendment BTPC6-19-96 (Annotation: Definition amended by Amendment 14-004, effective March 6, 2015)

**RECREATION FACILITIES, OUTDOOR:** Private enterprises, such as but not limited to: golf courses, miniature golf courses, golf driving ranges, marinas, swimming pools, amusement/theme parks, etc. that offer recreational opportunities to the public. Often these facilities provide an important component of the total recreational system and help to preserve open space without removing it from the tax rolls. Principal planning concerns shall be that these uses provide adequate off-street parking and screening of parking lots and heavily used or night-lighted facilities from residential areas. Added by amendment BTPC6-19-96 (Annotation: Definition amended by Amendment 14-004, effective March 6, 2015)

**RENTAL, SHORT-TERM:** The renting of a dwelling for less than thirty (30) days.  
(Definition added by Amendment 05-001 effective on

**RESTAURANT:** A business located in a building where meals are prepared, sold and served for consumption on the premises. This excludes consumption in parked cars, and also "fast food restaurants."

**ROAD:** Any road which meets the minimum standards of construction of the County Road Commission.

**ROAD, EMERGENCY ACCESS:** See SECONDARY ACCESS ROAD  
Added by amendment effective July 23, 2004

**ROAD, PRIMARY ACCESS:** Any Private or Public Road that serves as the lot frontage.  
Added by amendment BTPC effective July 23, 2004

**ROAD, PRIVATE:** An area of land not owned or maintained by the public used for ingress and egress to and from land. Added by amendment BTPC12-7-94

**ROAD, PUBLIC:** An open way for passage or travel under public ownership and/or maintenance. Added by amendment BTPC12-7-94

**ROAD, SECONDARY ACCESS:** A Private Road reserved for later development to an adjacent property or link to a Public or Private Road. Added by amendment BTPC effective July 23, 2004

**ROAD, UNIMPROVED:** Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic, which does not meet County Road Commission standards. This does not include a railroad.

**ROADSIDE STAND:** A temporary structure used for selling seasonal farm products, where the customer shops and makes purchases without entering the structure.  
(Annotation: Definition amended by amendment 2008-001 effective on 11-07-08)

**ROOMING HOUSE:** A single family dwelling where lodging with or without meals is furnished for compensation to three or more people, usually for an extended period, and usually with a sign indicating the use.

**SAWMILL:** A mill or machine for sawing logs into lumber, operated at one location for more than six months.

**SCREEN:** A high fence, or natural materials such as trees, shrubs and other plant materials, providing a visual and/or sound barrier between the area screened and adjacent property. Compare FENCE and BUFFER and GREENBELT.

**SEASONAL:** A recurrent period other than year round.  
(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**SERVICE STATION:** A building or premises together with the necessary equipment used for direct retail sale of gasoline or other motor fuels, oils, or minor accessories. Where such sales are incidental to the operation of a public garage, the use shall be classified as a commercial garage. Compare GARAGE, COMMERCIAL.

**SETBACK:** The required minimum unoccupied distance between the lot line or the shoreline, and the principal or accessory buildings or structures.

**SETBACK, FRONT:** The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the front lot line.

**SETBACK, REAR:** The required minimum unoccupied distance, extending the full lot width, between the principal or accessory buildings or structures and the lot line or shoreline.  
(Annotation: Definition amended by Amendment 13-001, effective June 7, 2013)

SETBACK, SIDE: The required minimum unoccupied distance, extending from the front setback to the rear setback, between the principal or accessory buildings or structures and the side lot line.

SETBACK AREA OR YARD: The area between the lot lines and the lines representing required minimum setbacks from those lot lines.

SETBACK AREA OR YARD, FRONT: An area extending the full width of the lot between the front lot line and a line representing the required minimum setback from the front lot line.

SETBACK AREA OR YARD, REAR: An area extending the full width of the lot between the rear lot line and a line representing the required minimum setback from the rear lot line.

SETBACK AREA OR YARD, SIDE: An area extending from the front setback area to the rear setback area, between the side lot line and a line representing the required minimum side setback.

SHORE: The beach area lying between the shoreline and the water.

SHORELINE:

A. For property bordering the Great Lakes, the shoreline shall be the Ordinary High Water Mark as defined by the Great Lakes Submerged Lands Act, 1955 PA 247 (now incorporated as Part 325 of the Natural Resources and Environmental Protection Act, Act 451 of 1994 as amended). For purposes of measuring setbacks in the case of the presence of a BLUFF, the shoreline setback shall be measured from the edge of the bluff.

B. For property bordering an inland lake or stream, the shoreline shall be the actual water's edge. On Lake Leelanau, where the water level is regulated by a Circuit Court Order, the shoreline shall be the water's edge during the summer period.

(Annotation: Definition amended by Amendment 14-004, effective March 6, 2015)

SIGN: Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention. For further sign definitions, see Section 3.13.2 Definitions.

SITE CONDOMINIUM: See CONDOMINIUM, SITE.

SITE CONDOMINIUM SUBDIVISION PROJECT - A condominium project developed under Public Act 59 of 1978, as amended, comprising of more than two (2) condominium units which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended. Added by amendment BTPC4-19-95

SITE PLAN: The documents and detailed drawings required for site plan review under Article XI Special Land Use Permits. Compare PLOT PLAN.

SMALL ANIMAL KENNEL: The keeping of small animals for a fee or compensation. Examples include domestic dogs, cats, ferrets, birds, reptiles, and pot bellied pigs but does not include farm animals or wild animals that would normally live in a natural, undomesticated state.  
(Added by Amendment 05-003 effective on

SPECIAL LAND USE: See USE, SPECIAL.

STORAGE: See COMMERCIAL STORAGE.

STREET: Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic, which meets the minimum standards of construction of the County Road Commission.

STRUCTURE: Any construction or pieces of material artificially built up or composed of parts joined together in some definite manner, whether under or on the ground. Structures include, but are not limited to, buildings, decks, advertising signs and signboards, towers, poles, antennas, storage tanks above or below ground, and parking lots. Excluded are lot and parcel boundary fences, and driveways. Amended BTPC5-18-94, BTPC9-21-94 See DWELLING STRUCTURE.

STRUCTURE, ACCESSORY: A subordinate structure, which may or may not be attached to a principal building or structure, occupied by or devoted exclusively to a use which is accessory and clearly incidental to the principal permitted use.

STRUCTURE, NONCONFORMING: See NONCONFORMING BUILDING OR STRUCTURE.

TASTING ROOM: A building or place licensed to offer wine, cider, spirits, or beer that is produced by and primary ingredients grown by the operator of the establishment, and qualifies as a Farm Market under the jurisdiction of Michigan Right-To-Farm Act.  
(Annotation: Definition added by Amendment 12-002 effective June 12, 2012)

TOPOGRAPHIC MAP: A map showing the physical configuration and features of a tract of land, with contour lines at sufficient intervals to permit determination of grades and drainage patterns.

TOURIST HOME: A single family dwelling, identified as a tourist home by a sign, offering lodging for compensation, chiefly on an overnight basis to transients. Compare BED AND BREAKFAST, and ROOMING HOUSE.

TRACT: See LOT, PARCEL OR TRACT.

TRAILER HOME: See RECREATION VEHICLE.

TRAILER PARK: See MOBILE HOME PARK.

U-PICK: a fruit or vegetable growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

USABLE FLOOR AREA: See FLOOR AREA, USABLE.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

USE, ACCESSORY: A use incidental and subordinate to the principal use of the land or structure.

USE, NONCONFORMING: See NONCONFORMING USE.

USE, PRINCIPAL: The principal or dominant use of the land or structure.

USE, SPECIAL: A use having greater than usual impact on the environment, the community and/or the neighboring property holders, which must be reviewed and approved by the Commission, after the plans for development have been presented at a public hearing/hearings and reviewed by all affected government agencies.

VARIANCE: A modification of the dimensional provisions of this Ordinance granted by the Zoning Board of Appeals when strict enforcement would cause undue hardship or practical difficulties owing to circumstances unique to the specific property.

WATER'S EDGE: See SHORELINE.

WATERFRONT: See SHORELINE. Added by amendment BTPC 3-15-95.

WETLANDS: Land where water is found, either on the surface or underground near the surface, all year or for only a limited period of time. Poorly drained soils and water-loving vegetation help to identify wetlands. Final determination of wetlands is made by the DNR, which administers the Gormaere-Anderson Wetland Protection Act, Act 203 of 1979. Compare FLOOD PLAIN.

WINE: The product made by the normal alcoholic fermentation of the juice of grapes or any other fruit with the usual cellar treatment, and containing not more than 21% of alcohol by volume, including fermented fruit juices other than grapes and mixed wine drinks.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

WINE RELATED BEVERAGES: Fortified wines, wine brandy and mixed wine drinks.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**MIXED WINE DRINK:** A drink or similar product containing less than 7% alcohol by volume, consisting of wine and plain, sparkling, or carbonated water, and containing any one or more of the following:

1. Non-alcoholic beverages
2. Flavoring
3. Coloring materials
4. Fruit juices
5. Fruit adjuncts
6. Sugar
7. Carbon dioxide
8. Preservatives

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**WINE-BRANDY:** An alcoholic liquor as defined in 27 CFR5.22(D) (1980)

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**WINE-FORTIFIED:** Wine with brandy or wine spirits added as permitted by law.

(Annotation: Definition added by amendment 2008-001 effective on 11-07-08)

**WINERY (CIDERY):** An establishment licensed by the State of Michigan as a Small Winery. Wineries may, with the proper license, produce brandy under this definition.

(Annotation: Definition amended by Amendment 14-001, effective June 6, 2014)

**WOODLOT:** More than twenty (20) trees exceeding twelve (12) inches in diameter per acre.

(Definition amended by Amendment 06-003 effective on

**YARD:** See SETBACK AREA.

**ZERO LOT LINE:** The lot line specified in a zero lot line development, with which the building is contiguous. The building has no setback from the lot line, and a maintenance easement is granted by the adjacent lot owner for access to the wall on the lot line.

**ZERO LOT LINE DEVELOPMENT:** A development where dwelling units are placed with one (1) or two (2) walls on the lot line.